

**West Bountiful City**

**November 10, 2011**

**Planning Commission**

**Posting of Agenda** -The agenda for this meeting was posted on the State of Utah and City of West Bountiful Web-Site and sent to Clipper Publishing Company on November 8, 2011 per state statutory requirement.

**Minutes of the Planning and Zoning Commission of West Bountiful City held on Thursday, November 10, 2011, at West Bountiful City Hall, Davis County, Utah.**

**This meeting was held in place of the regularly scheduled meeting on Tuesday, November 8, 2011 due to the General Municipal Elections.**

**Those in Attendance:**

**MEMBERS PRESENT:** Chairman James Ahlstrom; Denis Hopkinson; Terry Turner, Steve Schmidt; Commissioners, and Alan Malan (Alternate) Commissioner.

**MEMBERS/STAFF EXCUSED:** Bev Haslam; staff and Tori Boggess; Planning Commissioner.

**STAFF PRESENT:** Craig Howe; City Administrator, Heidi Voordeckers (City Recorder) Ben White; City Engineer, Cathy Brightwell, and Debbie McKean (Secretary).

**VISITORS:** Joseph & Jan Carbone, Mark Preece; City Council, Mayor Ken Romney, David & Tonya Boswell, Trevor & Lorilee White, Kelly Enquist, Fran Wilby, Lon Griffith, Marty Smith, Monte Widdison,

**The Planning and Zoning Meeting was called to order at 7:30 p.m. by Chairman Ahlstrom. Denis Hopkinson offered a prayer.**

**Accept Agenda**

Chairman Ahlstrom reviewed the agenda. Steve Schmidt moved to accept the agenda moving Item 7 to item 13A of the agenda. Terry Turner seconded the motion. Voting was unanimous in favor with those members present.

**Business Discussed:**

**Public Hearing to receive input on proposed changes to Chapter 17.2.4, Residential District R1-10 of the West Bountiful Municipal Code to include Flag Lots as a conditional use.**

Ben White explained that Flag Lots are not currently a Conditional Use in the R-1-10 Zone and he would like to address the idea of changing our City Code to include R-1-10 (high density zone) to be included in Flag Lot Conditional use.

**Some Worries and Concerns regarding Flag Lots:**

- Find the address of the property
- Emergency Services unable to locate the property
- Cars driving past other homes in location
- Drainage issues

- 1 • Backyard privacy
- 2 • Changes look and feel of the community

3 Ben White noted that this issue has been addressed previously with not resolve to the issue. He  
4 included memos and information from past discussions.

5 **ACTION TAKEN:**

6 Denis Hopkinson moved to open the Public Hearing at 7:40 p.m. to receive input on **proposed**  
7 **changes to Chapter 17.2.4, Residential District R1-10 of the West Bountiful Municipal**  
8 **Code to include Flag Lots as a conditional use.** Steve Schmidt seconded the motion and  
9 voting was unanimous in favor.

10 **Public Comment:**

- 11 • **Jan Carbone-** Explained her personal situation in wanting a Flag Lot behind her  
12 Mother's property which sets on 2 ½ acres. They desire to just build a home adjacent to  
13 the current home on the property in order to help assist caring for her mother. Prior  
14 approval was given to her to build provided that the Flag Lot ordinance allows it. This  
15 hearing is allowing the city to move forward in adding R1-10 for Conditional Use  
16 Permits for Flag Lots barring input from citizen's. Chairman Ahlstrom explained to Ms.  
17 Carbone the process that will need to take place after the Public Hearing regarding this  
18 issue tonight. Her comments for advantages of flag lots were to keeping green space  
19 and allowing her to keep her mom in her home and live close enough to her to help care  
20 of her.

21 **ACTION TAKEN:**

22 Steve Schmidt moved to close the public hearing at 7:55 p.m. Terry Turner seconded the motion  
23 and voting was unanimous in favor.

24 **Public Hearing to receive input on changes to Title 16, (Subdivisions) of the West Bountiful**  
25 **Municipal Code.**

26 **ACTION TAKEN:**

27 Alan Malan moved to open the Public Hearing at 7:54 p.m. to receive input on **changes to Title**  
28 **16, (Subdivisions) of the West Bountiful Municipal Code.** Steve Schmidt seconded the  
29 motion and voting was unanimous in favor.

30 Ben White explained that in May of this year changes were suggested to update the Appeal  
31 Section of our Ordinance because our current ordinance does not meet State Code. He further  
32 explained that an Appeal Authority is needed because in the process of Subdivision Approval is  
33 heard by both the City Council and Planning Commission. In addition a provision was included  
34 to clarify the requirement of curb, gutter and sidewalk.

35 Mr. Hopkinson desires to have areas defined in our Master Plan that would have individual  
36 designs for curb, gutter and sidewalk according to the community needs and desires.

37 **Public Comment:**

- 38 • Monty Widdison asked if Flag Lots have been designed. Response was that they have  
39 not been for his mother's property zone.
- 40 • Mr. Joseph Carbone asked if in the proposal would flag lots include curb and gutter?  
41 Response from commission was that it is yet to be determined. Mr. Carbone then  
42 inquired if they would be considered as subdividing and Mr. Ahlstrom responded that  
43 they are asking for public input in order to proceed with making the decision.

44 **ACTION TAKEN:**

45 Alan Malan moved to close the public hearing at 8:12 p.m. Terry Turner seconded the motion  
46 and voting was unanimous in favor.

1 **Public Hearing to receive input on changes to receive proposed removal of section**  
 2 **17.12.030 (e) and addition of section 17.08.120, (Appeals from decision of land use**  
 3 **authority), of the West Bountiful Municipal Code.**

4 **ACTION TAKEN:**

5 Denis Hopkinson moved to open the Public Hearing at 8:13 p.m. to receive input on **changes to**  
 6 **receive proposed removal of section 17.12.030 (e) and addition of section 17.08.120,**  
 7 **(Appeals from decision of land use authority), of the West Bountiful Municipal Code.**  
 8 Alan Malan seconded the motion and voting was unanimous in favor.

9 This ordinance sets in place the Appeal Authorities for various types of Subdivision appeals.  
 10 These are new codes and language to our Municipal Code. Creation of this Ordinance and  
 11 Revisions are being made by Steve Doxey. The following are the recommended appeal  
 12 procedures:

13 Staff Decisions	Appeal Authority: City Council
14 Planning Commission	Appeal Authority: City Council
15 Variances (City Council)	Appeal Authority: Planning Commission
16 Variances ( If PZ	Appeal Authority: Board of Appeals
17 Historical Commission	Appeal: Planning Commission
18 Subdivisions	Appeal: Board of Appeals

19 **Public Comment:**

- 20 • **Ken Romney WB Mayor** asked if the Board of Adjustments is part of the Board of  
 21 Appeals. He would like the discussion to take place regarding this process. He desired  
 22 clarification on this issue. Do we want to go straight to District Court or have a Board of  
 23 Appeals.

24 **ACTION TAKEN:**

25 Denis Hopkinson moved to close the public hearing at 8:22 p.m. Steve Schmidt seconded the  
 26 motion and voting was unanimous in favor.

27 **Public Hearing to receive input on changes to receive proposed changes to Chapter 2.40**  
 28 **(Board of Adjustments) of the West Bountiful City Code, in order to clarify appeal**  
 29 **procedures.**

30 Ben White explained that this ordinance is establishing the Appeal Authority for any type of  
 31 appeals (not just land use).

32 **ACTION TAKEN:**

33 Denis Hopkinson moved to open the Public Hearing at 8:24 p.m. to receive input on **proposed**  
 34 **changes to Chapter 2.40 (Board of Adjustments) of the West Bountiful City Code, in order**  
 35 **to clarify appeal procedures. Alan Malan** seconded the motion and voting was unanimous in  
 36 favor.

37 **Public Comment:**

- 38 • **No public comment was made.**

39 **ACTION TAKEN:**

40 Steve Schmidt moved to close the public hearing at 8:25 p.m. Terry Turner seconded the motion  
 41 and voting was unanimous in favor.

**Consider approval of Conditional Use Permit for home occupation business license located at 760 Pages Circle- Signzee, LLC, David and Tonya Boswell.**

Application was received for a Home Occupation Business License for Signzee, LLC, a digital printing business owned by David and Tonya Boswell, and Trevor and Lorelee White. This application involves individuals that are not living at the proposed business property and are not related. Heidi Voordeckers was unable to grant permission for the Home Occupation Permit because of Section 5.28.030 D(1) indicating that the applicant must also apply for a Conditional Use Permit as item 5.28.040 (A) "A person who is not a resident to the dwelling shall not be employed to work on the premises" which is in conflict with our city code.

Dave Boswell addressed the commission stating his non compliance with home space and desiring to have an employee outside of family and living in his home. City Staff and Commission did not think he would be out of compliance in regards to occupying space for his business. The business is ran by Dave and Tonya Boswell and Trevor and Lorelee White. Equipment will be in the Boswell's unfinished basement. They desire to know if it is permissible to have two couples work at the home occupational business.

Trevor White addressed the commissions in regards to the equipment and the servicing of the equipment. He stated that the equipment is very dependable and has just been serviced for preventive maintenance once in a two year period.

- This is a part-time business running 5 hours per day.
- Ink is the only chemical.
- Customers products are delivered to their personal residence or business.
- Electrical Wiring is to code.
- There would be no detection of running a business from the residence outside the home.
- When fully running his business parking would be in the driveway and not on the street

**ACTION TAKEN:**

Steve Schmidt moved to approve the home occupation permit for Signzee, LLC located at 760 Pages Circle owners Dave and Tonya Boswell and Trevor and Lorelee White with the following conditions that there be no employees and only owners be employees, no outdoor storage and staging, parking for employee on the property and no restrictions to hours of operation. Alan Malan seconded the motion and a roll call vote was called for by Chairman Ahlstrom.

**Voting was:**

Alan- Aye

Steve- Aye

James- Aye

Terry Turner - Aye

Denis Hopkinson – Aye

Denis Hopkinson request a friendly amendment to the motion adding no additional employees in the Home Occupation. Amendment was accepted.

**Consider approval of Conditional Use Permit for Novelty Grove Cabinets, located at 436 S 1100 W- Kevin Thaxton**

**ACTION TAKEN:**

Mr. Kevin Thaxton was not at the meeting.

Consider motion to recommend the City Council proposed modification to Chapter 17.24, Residential District, R-1-10 of the West Bountiful City Code to include Flag Lots as a Conditional Use.

Denis Hopkinson thought the definition for flag lot needed to be made or this is a redundant discussion. Mr. Hopkinson wanted to have information from the Carbone's in regards to what they desire to do in developing the Flag Lot.

1 They do not care where the home is located and desire to keep as much green space as possible  
2 on the land. Ben White presented a diagram of what could be done regarding this property for  
3 the commission to consider when making the guidelines and conditions.

4 Mr. Ahlstrom noted that the discussion at hand is: Do we want Flag Lots in an R-1-10 zone and  
5 if so what are the conditions for the Conditional Use?

6 Definitions in the other zones have no definition and are in place by conditions.

7 **ACTION TAKEN:**

8 **Denis Hopkinson move to recommend to the proposed modification to Chapter 17.24**  
9 **Residential District, R-1-10 of the West Bountiful City Code to include Flag Lots as a**  
10 **Conditional Use. Steve Schmidt seconded the motion and voting was unanimous in favor.**

11 **Consider motion to recommend proposed changes to Title 16 (Subdivisions) of the West**  
12 **Bountiful Code) to City Council.**

13 Ben White addressed the fact that design standard are not part of considerations. He would like  
14 to see some design standards in a resolution form.

15 Ben White noted that having a Board of Appeals saves legal cost and gives the city a chance to  
16 rectify things at a city level. He noted that the appeal is not to decide whether or not the decision  
17 was correctly made but if proper procedures were followed. Mr. Ahlstrom noted that the appeals  
18 board will not be active and will be making decisions without being involved or up to date on the  
19 issues. Mr. Hopkinson recommended that the court be the appeal body and not have a City  
20 Board of Appeals. Mr. Ahlstrom agreed. Mr. White noted that legal recommended the appeals  
21 board but it is not necessary to have a Board of Appeals in place. Pros and Cons were made and  
22 discussed and it was decided to take the following action.

23 Ben White suggested that the discussion go back to the City Council at their next meeting to see  
24 if they really desire to have a Board of Appeals. Mr. Ahlstrom wants a memorandum to the City  
25 Council stating the thoughts and desires of the Planning Commission. Mayor Romney would  
26 like to see in writing what the recommendation of the Planning Commission and the Staff  
27 recommends in comparison. Staff should be able to create that document. Mr. Howe  
28 recommended that the Commission Chair should approve the document before forwarding it to  
29 the City Council. It was suggested to present this in two weeks.

30 Mr. Howe would like it to be recognized that the Staff sees individual property owners come  
31 with special considerations and then the impact of decisions made are pushed onto the "city"  
32 which is its citizens.

33 Some discussion took place regarding the practicality of being consistent opposed to letting  
34 individuals have their freedom to as much as they want with their property.

35 Mr. Howe noted that if things are left half done, the burden falls upon property owners at a later  
36 date. Mr. Howe would like recommendation for each zone with consistency and that will work  
37 for our city. He desires to protect the residence.

38 Mr. Ahlstrom noted that our ordinances need to have those things included in so that the  
39 residence know what is expected.

40 16.28.010- 1500 feet to 1800 feet for catch basins. For practical uses this is to far of distant.

41 **ACTION TAKEN:**

42 Denis Hopkinson moved to extend the meeting to 10:30 p.m. Terry Turner seconded the motion  
43 and voting was unanimous in favor.

44

45

1 **In regards to Subdivisions:**

2 **The following comments were made in regards to Subdivisions:**

3 Regarding Chapter 16.12.020 Alan Malan pointed out that the “city” is put in and wonders who  
 4 the “city” refers to. Language should be changed to read “city council”. Mr. Malan 16.20.010  
 5 #2 makes it sound like HOA’s are in charge and there may not be an active HOA. Mr. Ahlstrom  
 6 feels that it should be added in the Subdivision regulations. It was recommended that this issue  
 7 needs to be addressed at the time of Subdivision approval. Some discussion took place regarding  
 8 how to insure parks and improvements dedicated at the time of Subdivision approval needs to  
 9 addressed regarding long term maintenance. Mr. Malan feels that residence benefiting from the  
 10 “park” improvement should be responsible for maintaining the area “owners of the subdivision”.  
 11 Mr. Hopkinson noted that this is another fee and may be challenged.

12 Regarding curb, gutter and sidewalk Mr. Malan noted that one of the cities dues is to maintain  
 13 health, safety and welfare. Mr. White noted that the paragraph pertains to the requirement of  
 14 curb, gutter and sidewalk. Mr. Hopkinson feels that individual areas need to be looked at and  
 15 addressed by zones and not as a whole community requirement. Mr. White reminded the  
 16 commission it is just addressing ambiguity. Some discussion took place regarding this issue and  
 17 examples were given. Mr. Ahlstrom noted that it is important to have specific guidelines so the  
 18 citizen’s know what their rights are and what they can do and that they are able to do the most  
 19 with their personal property.

20 Steve Schmidt is not ready to make a decision to forward to the City Council. He would like to  
 21 think about the things discussed and comments made this evening.

22 Terry Turner would like to ponder the comments Craig made and is not ready.

23 Denis Hopkinson has many comments but little time to share. He would like more discussion  
 24 regarding the Appeal Authority.

25 **ACTION TAKEN:**

26 **Denis Hopkinson moved to table the recommendation to city council until refined language**  
 27 **in Title 16 until things have been tightened up. Steve Schmidt seconded the motion and**  
 28 **voting was unanimous in favor.**

29 **ACTION**

30 **Denis Hopkinson made a friendly amendment to his motion to hold a work meeting with**  
 31 **Council, Staff and Planning Commission. Steve Schmidt seconded the motion and voting**  
 32 **was unanimous in favor.**

33 **Consider motion to recommend the removal of section 17.12.030 (e) and add 17.08.120**  
 34 **(Appeals of land use authority), of the West Bountiful Code to the City Council.**

35 **ACTION TAKEN:**

36 **Consider motion to recommend proposed changes to Chapter 2.40 (Board of Adjustments)**  
 37 **of the West Bountiful Municipal Code to the City Council.**

38 **ACTION TAKEN:**

39 **Terry Turner moved to table agenda items 10 and 11 until the work session is held. Denis**  
 40 **Hopkinson seconded the motion and voting was unanimous in favor.**

41 **Discuss and clarify issues relating to the Farm Animal Ordinance.**

42 Staff presented a redlined revised copy of the Farm Animal Ordinances which includes all the  
 43 recommendations from the prior meeting and discussions.

44 Further recommendations from the commission were:

- Minimum of ½ acre for large animals.
- 25 points for large animals.
- Paragraph E & F were combined striking “F”.
- Some language needs to be “usual and customary”
- No minimum amount of land to be owned.
- #2 add a miniature or pigmy species. Then get rid of # 5 “honeybees” are addressed in state code. Miniature species will get half the points of the large species. It was noted that you need to have a state license to keep bees.
- It was noted that Code has not changed to be more restrictive. Sherri Hutchings wondered if there will be enforcement for those who have been in existence for 30 years.
- Mr. Ahlstrom explained that if the use is continued without interruption you would be grandfathered in or let 1 year go buy without use.
- Mr. Howe wondered if we need to address the fact that some people have barns that are large and can house more animals than is allowed.
- #2 Bees- 15 feet from property line does not seem to make since to Alan Malan. He feels it is very restrictive. Mr. Malan would like the language “minimum” added. Mr. Malan feels we should encourage having bees. He feels the 10 feet is too much and would like to see it changed to 4 feet. He recommends a minimum of 6 inches above ground.
- Steve Schmidt would like to see 25 points per horse with the 100 point /per acre maximum.
- Terry Turner and Denis Hopkinson were fine with the changes to the ordinance.

Cathy Brightwell addressed the commission and explained that fowl and poultry are now included in farm animal definition. Points allowed are 100 points per acre. Cathy noted that you would need at least 1/3 acre to have a large animal.

**Consider motion to recommend changes to the Farm Animal Ordinance to City Council.**

**ACTION TAKEN:**

**Alan Malan Moved to make the recommended changes to the farm animal ordinance to the City Council and send a final draft copy to the planning commission for review before sending it to the City Council. Denis Hopkinson seconded the motion and voting was unanimous in favor.**

**STAFF REPORT:**

- Two Dwelling Unit ADU application is coming to the end of the road and will not be able to comply to our current code because of the HVAC requirements and non-family persons are involved. May want to address in the future. Alan Malan would like a copy of the code.
- Has a proposed design for 800 West Right of Way Road Section. Included a diagram in the Commissioners packet.
- Craig Howe suggested the Work Meeting be held on the 5<sup>th</sup> Tuesday November 29<sup>th</sup>. 7:00 p.m.

**Approval of Minutes dated October 25, 2011**

**ACTION TAKEN:**

Alan Malan moved to approve the minutes dated October 25, 2011 with corrections. Terry Turner seconded the motion and voting was unanimous in favor.

**Adjournment**

**ACTION TAKEN:**

Steve Schmidt moved to adjourn the regular session of the Planning Commission meeting. Alan Malan seconded the motion. Voting was unanimous in favor. The meeting adjourned at 10:30 p.m.

  
JAMES AHLSTROM /CHAIRMAN

  
DEBBIE MCKEAN /SECRETARY

  
HEIDI VOORDECKERS/CITY RECORDER

